

David E. Bower SBN 119546
FARUQI & FARUQI, LLP
10866 Wilshire Boulevard, Suite 1470
Los Angeles, CA 90024
Telephone: 424-256-2884
Facsimile: 424-256-2885
Email: dbower@faruqilaw.com

Richard W. Gonnello (admitted *pro hac vice*)
Francis P. McConville (admitted *pro hac vice*)
Megan M. Sullivan (admitted *pro hac vice*)
FARUQI & FARUQI, LLP
369 Lexington Avenue, 10th Floor
New York, NY 10017
Telephone: 212-983-9330
Facsimile: 212-983-9331
Email: rgonnello@faruqilaw.com
fmccconville@faruqilaw.com
msullivan@faruqilaw.com

Attorneys for Proposed Lead Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Case No. CV 13 2796 CRB

In re DYNAVAX SECURITIES LITIGATION

**STIPULATION AND ~~PROPOSED~~
ORDER ADJOURNING INITIAL
CASE MANAGEMENT
CONFERENCE AND DEADLINES**

This Document Relates To:

ALL ACTIONS

1 WHEREAS, on June 18, 2013, Plaintiff Todd Arostegui filed a putative class action
2 complaint (the “Arostegui Action”) against Defendants Dynavax Technologies Corporation, Dino
3 Dina, and J. Tyler Martin (“Defendants”) for violations of Sections 10(b) and 20(a) of the Securities
4 Exchange Act of 1934 (the “Exchange Act”);

5 WHEREAS, on June 18, 2013, the Court issued an order in the Arostegui Action setting
6 certain discovery deadlines and an Initial Case Management Conference for Friday, October 4,
7 2013 at 8:30 a.m., in Courtroom 6, 17th floor, 450 Golden Gate Avenue, San Francisco, California;

8 WHEREAS, on June 26, 2013 a similar putative class action complaint was filed in this
9 Court asserting the same or substantially similar claims against defendants, captioned *Webb v.*
10 *Dynavax Technologies Corporation, et al.*, Case No. CV-13-2947-EJD;

11 WHEREAS, on August 19, 2013, Khaled Khalafallah (“Khalafallah”) filed a motion
12 seeking appointment as lead plaintiff that was subsequently unopposed by any member of the
13 proposed class;

14 WHEREAS, on August 22, 2013, the Court entered an order consolidating the above-
15 mentioned actions and setting a schedule for the filing of an amended pleading and responsive
16 motions;

17 WHEREAS, a hearing on Khalafallah’s unopposed motion for appointment as lead plaintiff
18 is set for a hearing before this Court on Friday, September 27, 2013 at 10:00 a.m., in Courtroom 6,
19 17th floor, 450 Golden Gate Avenue, San Francisco, California;

20 WHEREAS, Defendants’ counsel and Khalafallah’s counsel met and conferred via
21 telephone regarding the Court’s June 18, 2013 order setting an Initial Case Management
22 Conference and deadlines;

23 WHEREAS, pursuant to 15 U.S.C. § 78u-4(b)(3)(B), the Private Securities Litigation Reform
24 Act of 1995 imposes an automatic stay on discovery for all actions filed under Sections 10(b) and
25 20(a) of the Exchange Act, whereby all discovery and other proceedings shall be stayed during the
26 pendency of any motion to dismiss, subject to certain exceptions;

1 WHEREAS, the time set in the Court's August 22, 2013 Order has not yet run for the Court
2 appointed lead plaintiff to file an amended pleading or for Defendants to answer or otherwise
3 respond thereto; and

4 WHEREAS, the parties believe it is in the interest of judicial economy to adjourn the Initial
5 Case Management Conference pending the appointment of a lead plaintiff, the filing of an amended
6 pleading, and the resolution of any responsive motions;

7 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, and respectfully
8 requested, by and among the respective parties hereto, through their undersigned counsel of record,
9 in the interests of judicial economy, the Court order as follows:

10 1. The Initial Case Management Conference and the related deadlines set forth in the
11 Court's June 18, 2013 Order are hereby adjourned pending the resolution of any motions to dismiss
12 filed by Defendants, at which time the Court shall set a new date for the Initial Case Management
13 Conference and applicable deadlines.

14 2. No party is waiving any rights, claims, or defenses of any kind except as expressly
15 stated herein, and the parties reserve the right to seek further extensions of time as circumstances
16 may warrant.

17 **IT IS SO STIPULATED**

1 Dated: September 24, 2013

FARUQI & FARUQI, LLP

2 By: /s/ Richard W. Gonnello

3 David E. Bower SBN 119546
4 10866 Wilshire Boulevard, Suite 1470
5 Los Angeles, CA 90024
6 Telephone: 424-256-2884
7 Facsimile: 424-256-2885
8 Email: dbower@faruqilaw.com

9 Richard W. Gonnello (admitted *pro hac vice*)
10 Francis P. McConville (admitted *pro hac vice*)
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12 369 Lexington Avenue, 10th Floor
13 New York, NY 10017
14 Telephone: 212-983-9330
15 Facsimile: 212-983-9331
16 Email: rgonnello@faruqilaw.com
17 fmconville@faruqilaw.com
18 msullivan@faruqilaw.com

*Attorneys for Khaled Khalafallah and [Proposed]
Lead Counsel for the Class*

COOLEY LLP

14 By: /s/ Jeffrey M. Kaban

15 John C. Dwyer
16 Jeffrey M. Kaban
17 Palo Alto, CA 94306-2155
18 Telephone: (650) 843-5000
19 Facsimile: (650) 849-7400
20 Email: jdwyer@cooley.com
21 jkaban@cooley.com

COOLEY LLP

19 Ryan E. Blair
20 4401 Eastgate Mall
21 San Diego, CA 92121-1909
22 Telephone: (858) 550-6000
23 Facsimile: (858) 550-6420
24 Email: rblair@cooley.com

COOLEY LLP

23 Kathryn A. Querubin
24 101 California Street, Fifth Floor
25 San Francisco, CA 94111-5800
26 Telephone: (415) 693-2000
27 Facsimile: (415) 693-2222
28 Email: kquerubin@cooley.com
*Counsel for Defendants Dynavax Technologies
Corporation, Dino Dina and J. Tyler Martin*

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: September 24, 2013

FARUQI & FARUQI LLP

/s/ Richard W. Gonnello

Richard W. Gonnello

Attorneys for Plaintiffs

Attorneys for Proposed Lead Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: September 27, 2013

